

ITEM NO.53

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 686/2016

ALL BENGAL MINORITY STUDENTS COUNCIL AND ANR. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

(with appln. (s) for interim relief and office report)

Date : 14/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Gopal Jain, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Ms. C. Chaudhry, Adv.
Ms. Ritika Sethi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard learned senior counsel for the
petitioners.

Our attention was invited to Para 5 of the
order dated 15.10.2015 passed by this Court, which
reads thus:

"5. We will also make it clear that
the Aadhaar card Scheme is purely
voluntary and it cannot be made
mandatory till the matter is finally
decided by this Court one way or the

other."

Learned senior counsel for the petitioners has also invited our attention to the relevant portion of Para 3 of the letter dated 14.07.2016, written to the Chief Secretary/Administrator of all State Governments/UT Administration, by the Under Secretary to the Government of India by which the following directions are given to the students, which reads thus:

"3.....Only Online application under the Scheme will be accepted and no request for Offline applications will be entertained. It may be noted that submission of Aadhaar is mandatory."

Learned senior counsel submits that the aforesaid directions are contrary to the interim order passed by the Constitution Bench and therefore, to that extent they are not tenable in law.

Having regard to the facts and circumstances of the case, the material evidence available on record and the submissions made by learned senior counsel we stay the operation and implementation of letters dated 14.07.2006 (i.e. Annexure P-5, P-6 and P-7) for Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme to the extent they have made submission of Aadhaar mandatory and direct the Ministry of Electronics and Information

Technology, Government of India i.e. Respondent No.2 to remove Aadhaar number as a mandatory condition for student Registration form at the National Scholarship Portal of Ministry of Electronics and Information Technology, Government of India at the website <http://scholarships.gov.in/newStudentRegFrm> and stay the implementation of clause (c) of the 'Important Instructions' of the advertisement dated 20.08.2016 for the Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme, during the pendency of this writ petition.

Issue notice.

(VINOD KUMAR JHA)
AR-CUM-PS

(MALA KUMARI SHARMA)
COURT MASTER

(Copy of the order be given dasti)